

City of Frankfort

Capital of Kentucky

Mayor

William I. May, Jr.

315 West Second Street, P.O. Box 697

Frankfort, Kentucky 40602

(502) 875-8500

www.frankfort.ky.gov

Commissioners

John R. Sower

Scott Tippet

Katrisha Waldrige

Eric E. Whisman

September 8, 2020

To: Architectural Review Board

From: Jordan Miller, Senior Planner

Re: Meeting – September 15, 2020

There will be a meeting of the Architectural Review Board held at 5:00 P.M. on Tuesday, September 15, 2020 via teleconference in accordance with SB 150 and the requirements of KRS 61.823. ARB Board members, Planning Staff and Applicants will participate in the meeting using teleconferencing and the meeting will be live streamed in accordance with the statutory requirements. The following items are on the agenda for consideration (please be aware that because this will be a special called meeting the board may not discuss items that are not on the agenda as advertised):

ROLL CALL

APPROVAL OF MINUTES: August 18, 2020

NEW BUSINESS:

1. In accordance with Articles 4, 17, 18, and 19 of the City of Frankfort Zoning Ordinance, Dominique L. Wilson d/b/a New Life Counseling Services LLC, is requesting a Conditional Use Permit in order to allow a major home occupation with counseling and behavioral health services for the property located at 522 Steele Street. The property is more particularly described as PVA Map Number 062-14-01-008.00.
2. In accordance with Articles 4 and 17 of the City of Frankfort Zoning Ordinance, Southern Acquisitions LLC is requesting a Certificate of Appropriateness to paint unpainted masonry for the property located at 401 Murray Street. The property is more particularly described as PVA Map Number 062-31-26-015.00.
3. In accordance with Articles 4 and 17 of the City of Frankfort Zoning Ordinance, First Corinthian Baptist Church is requesting a Certificate of Appropriateness to relocate the existing structure and construct a community center for the property located at 216 Murray Street. The property is more particularly identified as PVA Map Number 062-31-14-010.00. (PULLED BY STAFF)

ADJOURN

ARCHITECTURAL REVIEW BOARD

August 18, 2020

5:00 PM

PATTI CROSS, PRESIDING

Members Present:

Irma Johnson
Jennifer Oberlin
Patti Cross
Nicole Konkol

Also Present:

Edwin Logan, Attorney
Jordan Miller, City of Frankfort Senior Planner

The first item of business was the approval of the minutes of the July 21, 2020 meeting. Ms. Konkol made a motion to approve the minutes. The motion was seconded by Ms. Johnson and all were in favor.

Chair Cross asked the Secretary to introduce the next item of business.

In accordance with Articles 4 and 17 of the City of Frankfort Zoning Ordinance, John Clark is requesting a Certificate of Appropriateness to construct a new single-family dwelling for the property located at 416 Capital Avenue. The property is more particularly identified as PVA Map Number 062-31-06-004.00.

Jordan Miller, City of Frankfort Senior Planner was present and explained that this item was heard at the June 16, 2020 meeting and approved by a 3 to 1 vote. Unfortunately the live stream available to the public malfunctioned so they are presenting the item again. Mr. Miller stated that it is the same item they reviewed in June.

Mr. Miller stated that as previously discussed this is a preliminary proposal for a single family dwelling on a vacant lot. The applicant is asking for preliminary approval of the overall shape and form of the dwelling as well as input from the Board before final architectural drawings are requested by the applicant. Those plans will be brought back at a future date.

Mr. Miller explained that items of concern at the initial meeting included the roof pitch which staff recommended to be higher. Also addressed were the existing stairs that lead up to the siting of the house, he stated they will remain and be repaired in kind where repairs are needed. Mr. Miller stated that several of the steps need repair because they are cracked or broken in some places.

Mr. Miller stated that they did receive some citizen comments regarding this item which he forward to the Board via email. The following citizens submitted written comments regarding this item: Mike Fitzpatrick, Jen Spangler-Williamson, Kathryn Dutton-Mitchell, Natalie Wilkerson and Mary Barr. Mr. Miller asked that the comments be submitted to the record for consideration related to this request.

Mr. Miller stated that received a specific question about the hours of construction and the proposed dates when work will begin construction. Mr. Miller replied that the applicant has indicated that it will be this fall at the earliest before they begin construction. Mr. Miller noted that final construction plans must be presented to the Board and approved as well as the issuance of a building permit before construction can begin on this property. Mr. Miller also stated that the City limits hours of construction, exterior construction shall not take place between the hours

of 10:00 p.m. and 6:00 a.m. and this restriction is applicable seven days a week. Mr. Miller stated that the applicant has indicated that they are willing to work with the neighbors should construction become an issue, their overall goal is to be good neighbors.

Mr. Miller submitted his report into the record and stated that he included the minutes from the discussion at the June meeting. Mr. Miller stated that staff is recommending approval of the request including the three conditions outlined on page four of the staff report.

Mr. Logan asked if the staff report changed in any way from the initial staff report and Mr. Miller replied that it did not.

Ms. Oberlin asked if applicant received the comments that were received from the public and Mr. Miller replied that he had previously shared the comments from the June meeting with the applicant as well as the two new comments received regarding this item.

The applicant John Clark was present and stated that more concrete plans will be submitted soon and they hope to provide those to the Board at the next meeting for further review.

Ms. Johnson made a motion in accordance with Articles 4 and 17 of the City of Frankfort Zoning Ordinance, to approve the request from John Clark for a Certificate of Appropriateness for a preliminary plan to construct a new single-family dwelling for the property located at 416 Capital Avenue with the following conditions:

1. This approval is preliminary and for the general design, shape, and siting of the proposed structure.
2. The applicant shall present final drawings and design plans to the Board after they have been completed by the architect.
3. No building permit shall be issued nor any construction begin stemming from this approval until the final design has been presented to and approved by this Board.

The motion was seconded by Ms. Konkol and passed with Ms. Johnson, Ms. Konkol and Ms. Cross voting in favor. Ms. Oberlin was opposed.

In accordance with Articles 4, 16 and 17 of the City of Frankfort Zoning Ordinance, John Sower is requesting a Certificate of Appropriateness in order to install new exterior features on the east elevation for the conversion of the second and third floors to be apartments for the property located at 217-219 St. Clair Street. The property is more particularly identified as PVA Map Number 061-24-14-008.00.

Jordan Miller, City of Frankfort Senior Planner was present and mentioned that this property is known as the Sower building.

Mr. Miller explained that the scope of work includes a new wood glazed door and stained treated wood canopy roofed in painted corrugated sheet metal at the ground level entrance from the east (Lewis Street) parking area, a new second and third floor framed stair enclosure behind the south of the existing brick elevator tower as seen from Lewis Street (the enclosure will be clad in painted corrugated sheet metal, with two single hung wood windows, additionally they are proposing a 16' by 32' stained treated wood deck at the third floor to the north of the brick elevator tower and accessible from the stair enclosure. The deck railing will be clad in painted corrugated sheet metal to match the other new features.

Mr. Miller stated that the subject property is a contributing structure to the Central Frankfort National Historic District. Mr. Miller mentioned that staff advertised this and placed signs as well, he stated that he hasn't received any comments. Staff recommended approval with conditions.

Ms. Johnson asked if the deck would be visible from the street. Mr. Miller replied that it will be visible but not as large as the elevator tower in height.

The applicant Johnny Sower was present and explained that this building has been in his family for a very long time.

Mr. Sower stated that the reason they want to add a staircase on the rear is to provide additional safety to the tenants and to help access parking.

Mr. Sower replied to Ms. Cross that he had seen the staff report and agreed with the conditions for approval.

Ms. Oberlin made a motion in accordance with Articles 4, 16 and 17 of the City of Frankfort Zoning Ordinance, to approve the request from John Sower for a Certificate of Appropriateness in order to install new exterior features on the east elevation for the conversion of the second and third floors to be apartments for the property located at 217-219 St. Clair Street with the following conditions:

1. A building permit shall be obtained prior to work commencing on the proposed project.
2. Any additional projects requiring a building permit or modifications to this proposal shall require review and approval by the Architectural Review Board unless a Certificate of No Exterior Effect is issued.
3. The construction of this request shall conform to the design and drawings found within this report.

The motion was seconded by Ms. Konkol and passed unanimously.

In accordance with Articles 4, 16 and 17 of the City of Frankfort Zoning Ordinance, Marnie Walters is requesting a Certificate of Appropriateness in order to modify the garage door opening on the front façade for the property located at 312 Lewis Street. The property is more particularly identified as PVA Map Number 061-24-13-022.00

Jordan Miller, City of Frankfort Senior Planner was present and explained this this proposal is to install a 10' x 18' garage door. Additionally they plan to frame-in the area/void left from the existing larger door, they will install metal siding (running vertically) in this area and the siding and door will be grey in color and match. Mr. Miller stated that the existing garage door will remain in place, rolled-up, behind the framing.

The applicant Marnie Walters was present and stated that she has owned the building for over ten years and they have made several modifications to the building over the years.

Ms. Walters explained that the existing door does not function and they have not been able to find a door to fit the exact size.

Ms. Walters stated that she is a historian herself and will do her due diligence to make this this is done in a way as to not negatively affect the area.

Ms. Walters stated that she agreed with the conditions for approval.

Ms. Konkol made a motion in accordance with Articles 4, 16 and 17 of the City of Frankfort Zoning Ordinance, to approve the request from Marnie Walters for a Certificate of Appropriateness in order to modify the garage door opening on the front façade for the property located at 312 Lewis Street with the following conditions:

1. A building permit shall be obtained prior to work commencing on the proposed project.
2. Any additional projects requiring a building permit or modifications to this proposal shall require review and approval by the Architectural Review Board unless a Certificate of No Exterior Effect is issued.

The motion was seconded by Ms. Johnson and passed unanimously.

There being no other business, Ms. Konkol made a motion to adjourn. The motion was seconded by Ms. Johnson and all were in favor. The meeting adjourned at 5:39 pm.

522 Steele Street

Special Capital Historic District

Dominique L. Wilson, Owner/Applicant

Request

In accordance with Articles 4, 17, 18, and 19 of the City of Frankfort Zoning Ordinance, Dominique L. Wilson d/b/a New Life Counseling Services LLC, is requesting a Conditional Use Permit in order to allow a major home occupation with counseling and behavioral health services for the property located at 522 Steele Street. The property is more particularly described as PVA Map Number 062-14-01-008.00.

Description of Proposal

The subject property is located at the southern corner of Steele Street and Coleman Avenue. Prior to the applicant's purchase of the property in October 2017, the home remained vacant for some time and was owned by an estate. It was frequently blighted, had numerous code enforcement infractions, and was fined/liens several thousands of dollars due to these issues. The only recorded use associated with this property is as a single-family dwelling, according to records on file in the Planning Department.

The applicant is requesting a conditional use permit to operate a major home occupation. The applicant proposes to use the first floor of the building (1,104-sq.ft.) as her solo practice that provides counseling and behavioral health services, and to use the second floor of the building (1,104-sq.ft.) as their personal residence during weekdays when she sees patients. The applicant's current mailing address is in Lexington, KY, where she has an existing outpatient behavioral health and substance abuse practice.

The applicant had initially proposed to utilize the entire structure as a professional office use in which other counselors worked at the practice at this location. After conferring with Staff about the issues with that request, the applicant has amended their request to a major home occupation.

According to the applicant's attached letter, the applicant's business will provide services that involve various treatment concerns such as anxiety, depression, behavioral, and mood disorders. Counseling session generally run 45-60 minutes in duration. The applicant also has a DUI program that provides DUI offenders with court-ordered classes and outpatient treatment, which consist of six 3-hour sessions and one 2-hour sessions, depending on client need. The applicant does not provide medication assistance treatment or other forms of treatment that are used to wean clients off of substances. The applicant states that their treatment population is 90% behavioral health and 10% substance abuse, and most of the clients are voluntary (sought treatment on their own accord).

The applicant is also proposing to add off-street parking in the rear yard behind the structure, along Coleman Avenue.

Significance of Structure

The property is contributing to the South Frankfort National Historic District.

City of Frankfort Zoning Regulations

4.41 SPECIAL CAPITAL DISTRICT

12.01 MINIMUM OFF STREET PARKING REQUIREMENTS

17.10.9 SITE FEATURES

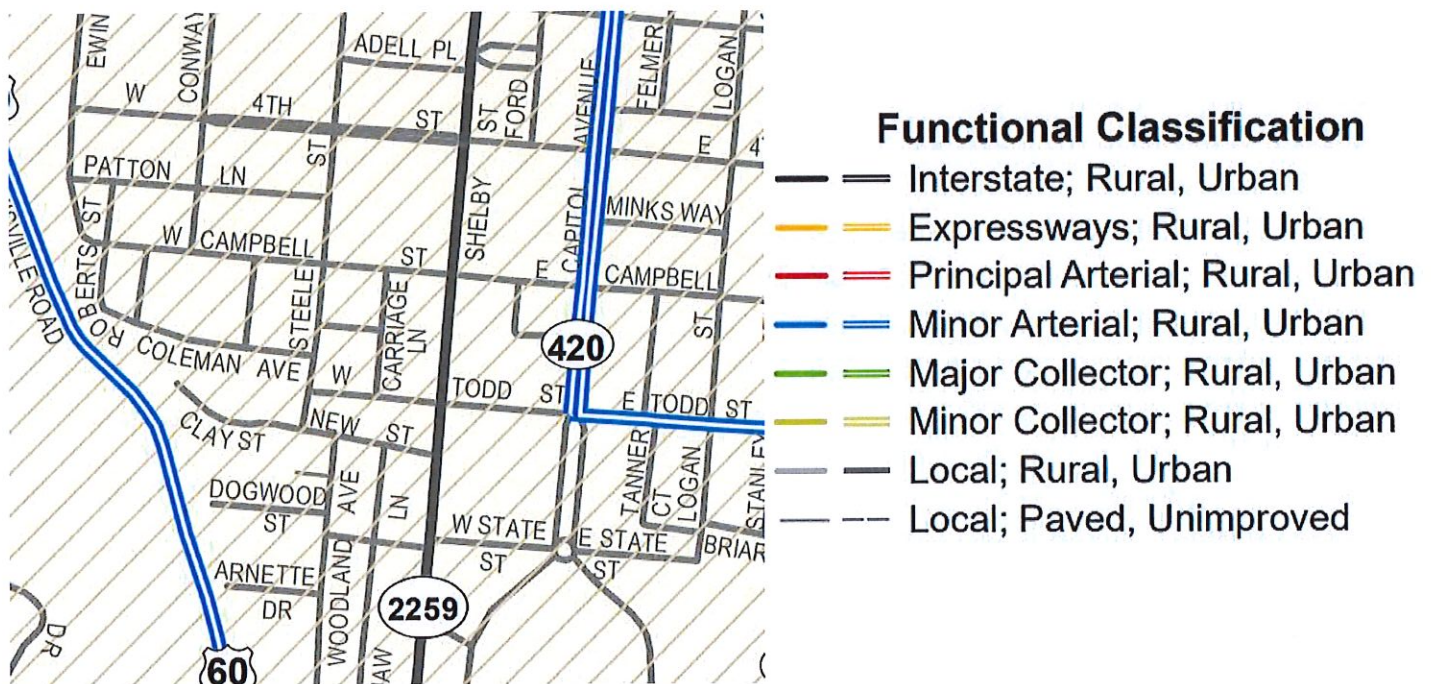
19.01 CONDITIONAL USES

19.07 HOME OCCUPATIONS

19.01 CONDITIONAL USES

19.01 General. Wherever any conditional use is considered by the Board of Zoning Adjustments, the Board shall determine that the following conditions have been met.

- 19.011 That street or road capacity and condition is adequate to serve anticipated additional traffic.
Staff finding: Positive. Steele Street and Coleman Avenue are classified as local urban roadways by the Kentucky Transportation Cabinet. Steele Street is platted 50' wide, paved asphalt, and in good condition. Coleman Avenue is platted 11' wide, paved asphalt and in good condition. Based upon the applicant's proposed use and intensity of use, Staff believes that these roadways are in adequate condition to serve the traffic generated by this conditional use. Please see a review of Article 12 – Required Parking, later in this report.



- 19.012 That public facilities required are available.
Staff finding: Positive. The property is served with public services including water, sewer, gas, and electric.

- 19.013 That the conditional use proposed is in accordance with the intent of the zoning district within which it will be located.
Staff finding: Positive. The Special Capital District is intended to encourage the renovation, rehabilitation, and preservation of older neighborhoods in Frankfort that have special or unique features or important associations with the City's historical development. While the only permitted uses in this district are single-family dwellings, duplexes, and owner occupied short term rentals, the district does allow for numerous conditional uses including professional offices, light retail sales, multi-family dwellings, community centers, daycares, and major home occupations.
- 19.014 That the proposed use will have no adverse effect upon the adjacent or surrounding property.
- **Staff finding: Positive and Negative.** Steele Street appears to be a mix of single-family dwellings, duplexes, and some multi-family. While this proposal does not exactly meet the existing character of this corridor, the applicant has changed their original proposal from utilizing the entire building as an office with multiple counselors to one that is more residential in character and where she will be the only person at the practice.
- 19.015 That appropriate screening or buffering is provided in accordance with Article 7, Landscape Regulations.
Staff finding: No screening or buffering is required as a part of this request.
- 19.016 That any sign requirement specified in Article 13 will have been met and that no sign for any conditional use in any residential zoning district exceeds two (2) square feet.
Staff finding: N/A. No signage has been proposed at this time. If signage is proposed it must comply with Section 4.416.A of the zoning ordinance and a sign permit will be required. Said section states, "For any nonresidential use within a residential structure signs are limited to two (2) square feet and shall be mounted flush on the façade of the structure."
- 19.017 That all specific conditions enumerated in this Article Section 19.02 through 19.15 will have been fulfilled.
Staff finding: Positive and Negative. Please find a review of Section 19.07 contained within this report.
- 19.018 That the use and development of land complies with the adopted Comprehensive Plan.
Staff finding: The Future Land Use Map of the Comprehensive Plan identifies this property and neighborhood as Urban Residential.
Staff finding: Positive and Negative. The future land use map of the Comprehensive Plan identifies the subject property as Urban Residential. This land use category specifically identifies the South Frankfort neighborhood as a special sub-category. It notes that this area is predominately residential in character with varied density and limited retail and professional offices that serve the community. The conversion of this property to a major home occupation will not affect the exterior appearance of the property. In fact, its occupied use should improve the quality of the property. While two off-street parking spaces will be added, and they are discouraged, they will be constructed of pavers or gravel which should minimize the impact of drainage to adjacent properties.



According to the Comprehensive Plan:

Frankfort is fortunate to have several existing urban neighborhoods that are rich with a mixture of housing types and neighborhood commercial services. These neighborhoods are located on grid roadway networks that interconnect a large portion of the Frankfort urban areas. The existing mixture of uses ranging from single family detached housing to duplexes and multi-family housing should be continued with an emphasis on maintaining the existing housing stock and infill development. Where appropriate, neighborhood commercial areas should be continued or created to provide the necessary day-to-day needs of residents within walking distance of their homes.

Land Use Guidelines

- *The primary land uses in Urban Neighborhoods should be single family homes (attached/detached) and duplexes.*
- *Multifamily buildings (condominiums and apartments) are encouraged but should be strategically integrated into the neighborhood. Buildings should be of a scale and character that fits the neighborhood. Large complexes of buildings are not encouraged.*
- *Buildings that include a mixture of residential, office and commercial and that fit the character of the neighborhood may be appropriate.*
- *Limited commercial uses may be appropriate where they will pose minimal impact on surrounding land uses regarding traffic, noise, lighting and other similar elements that create conflicts between land uses.*

Development Guidelines

1. *New development should occur in areas where water and sewer services are served by public agencies and can meet any additional demand.*

2. *No new development shall occur where there is not an adequate water supply and water pressure for fire protection services.*
3. *Emphasis should be placed on developing new neighborhoods in between existing communities with similar characteristics prior to development along the outskirts of the existing urban area. Such in-fill strategies will help minimize the need for infrastructure improvements and will help maintain a handle on urban sprawl.*
4. *Developments should be planned to include neighborhood parks and greenspace that provide amenities to local residents and work toward providing a link with the City's existing parks and recreation in conformance with a park and recreation plan.*
5. *Developers should incorporate the protection of natural resources, including the floodplain, into the development to create unique neighborhoods while protecting the natural environment.*
6. *Development and redevelopment should take into consideration the density and character of the surrounding properties.*
7. *In general, lot sizes should be small with homes set closer to the road.*
8. *Sidewalks should be required on both sides of the street.*
9. *Emphasis should be placed on maintaining the existing housing stock versus total redevelopment that starts with the clearing of existing housing.*
10. *While the primary land use should be single-family detached housing, the City should consider creative reuse of properties for multi-family housing and possibly nonresidential uses.*
11. *The size and scale of all development and redevelopment should reflect the character and style of surrounding uses.*
12. *New development should be compatible, in design, architecture and intensity, with surrounding development.*

South Frankfort Development Guidelines

1. *This area is predominately residential in character and varies in density with limited retail and professional offices that serve the community.*
2. *New infill or the conversion of properties should reflect the scale, setbacks, and character of the neighborhood and utilize materials which complement existing buildings.*
3. *The homogeneity of building and lot characteristics within individual blocks should be preserved.*
4. *New driveways and off-street parking areas are discouraged.*

19.02 Specific Conditions. In addition to the above general conditions the Board shall evaluate the standards and conditions for those uses which follow and for which specific conditions are established.

19.07 HOME OCCUPATIONS

19.071 Purpose and Location

A home occupation is an accessory use which is incidental to the use of the dwelling for residential purposes. Regulations governing home occupations are intended to protect residential districts from commercial encroachment, maintain the character of the neighborhood, prevent an undue increase in traffic or parking problems on local streets but at the same time provide a means for individuals to operate businesses customarily conducted from private homes. Such permits may be granted in any zoning district where residences are permitted.

19.072 Classification

Home occupations will be categorized into two different types: Minor Home Occupations and Major Home Occupations. Minor Home Occupations may be administratively approved provided that the applicant meets all criteria set forth in Section 19.07. Major Home Occupations shall require a Conditional Use Permit by the Board of Zoning Adjustment prior to the issuance of a Business License.

B. Major Home Occupations shall require approval of a Conditional Use Permit from the Board of Zoning Adjustments. In order for the Board of Zoning Adjustments to approve a Major Home Occupation the following conditions must be met:

1. Employees working or meeting at the home occupation site shall be limited to persons who reside in the dwelling unit except that one nonresident employee shall be permitted to be at the site at any one time.

Staff finding: Positive. The applicant has indicated that they will be the only person working this location.

2. No more than two customers, clients or pupils shall be permitted on the site at any one time except that an occupant of a single-family dwelling may provide group or professional therapy for no more than four individuals at one time.

Staff finding: Positive and Negative. The applicant has indicated they would like to conduct DUI therapy classes at this location, which are usually conducted in groups. If the applicant does utilize group therapy and if this conditional use is approved, no more than four individuals/clients can participate at a time.

3. Any Major Home occupation that accommodates customers, clients or pupils on the site shall not be permitted to operate between the hours of 9 P.M and 7 A.M.

Staff finding: Positive. The applicant will operate between normal business hours and not between 9:00 PM – 7:00 AM.

4. No nonresident employee may work at a home occupation between the hours of 9 P.M and 7 A.M.

Staff finding: Positive. The applicant has indicated that they will be the only person working this location.

5. The home occupation shall not have more than one non-illuminated sign not exceeding two (2) square feet in area, and this sign shall not be freestanding.

Staff finding: N/A. No signage has been proposed at this time. If signage is proposed it must comply with Section 4.416.A of the zoning ordinance and a sign permit will be required. Said section states, "For any nonresidential use within a residential structure signs are limited to two (2) square feet and shall be mounted flush on the façade of the structure."

6. Deliveries associated with the home occupation shall not be made using tractor-trailers. No more than two commercial deliveries (e.g. UPS, Federal Express, and U.S. Postal Service Express Mail) shall be made in any 24-hour period.

Staff finding: Positive. This proposed use will not utilize deliveries associated with tractor-trailers, and will comply with no more than two commercial deliveries per any 24-hour period.

19.073 Permit

No Business License for a Major Home Occupation shall be issued unless either a Conditional Use Permit has been issued by the Board of Zoning Adjustments for Major Home Occupation or in the case of Minor Home Occupations the applicant has shown that all conditions listed under section 19.07 have been met.

Staff finding: Positive. If this conditional use is granted, the applicant shall be required by law to abide by the requirements of the City of Frankfort Zoning Ordinance as listed in this report as well as any special conditions attached with approval. If the applicant fails to abide by these requirements and conditions, their business will be revoked, the applicant will be in violation of the zoning ordinance as an illegal land use, and their Certificate of Occupancy will be revoked.

19.074 Permit, Not Transferable

A special permit for a home occupation is not transferable. A new permit must be applied for whenever there is a change in the occupations, occupant, or address.

Staff finding: Positive. This request is only for the existing property owner of this address. If ownership changes this conditional use permit will be null and void (if granted).

19.075 Retail Activities

Generally, only handmade items, crafts made in the home, and sale items in conjunction with the services may be offered for sale on the premises. No other goods, products, or commodities bought for the express purpose of resale shall be sold at retail or wholesale on the premises, nor shall such goods or products be stored or displayed on the premises or distributed to other locations. This provision is not meant to prohibit the storage of goods sold through a mail-order or online sales business as long as the storage of those goods does not violate any other provision of this regulation.

Staff finding: N/A.

19.076 Occupation Types

The following uses are prohibited as home occupations; automobile and small engine repair, wrecking and hauling of motor vehicles, medical or dental office other than psychiatry/psychology, home cooking and catering, private clubs, eating and drinking establishments, fortune tellers, hotels/motels, wholesale and retail, kennels. If, in the opinion of the permit issuing authority, a use or activity that is proposed as a home occupation is not specifically listed as prohibited, but has characteristics of a use or uses that are listed and could negatively impact the residential character of the neighborhood in which it is proposed, then that use/activity shall be prohibited as a home occupation. Such determinations may be appealed to the Board of Zoning Adjustment. *Note: Agriculture related "homebased processing & microprocessing" taking place in accordance with HB391 and KRS 217.0005 through KRS 217.219 shall not be prohibited by the preceding list of occupation types.*

Staff finding: Positive. This home occupation is permitted as a medical office as it involves psychiatry/psychology.

19.077 Limitation on Area

The use of the dwelling for the home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. A home occupation shall occupy less than 50 percent of the floor area of the principal dwelling unit, when the occupation is located in an accessory structure the area of the accessory structure may be counted towards the floor area of the principal dwelling unit.

Staff finding: Positive. This home occupation will utilize 50% of the floor area of the dwelling unit. If any more than this is used, this conditional use will be become null and void.

19.078 Location

The operation of Home Occupations shall be limited to the dwelling unit (including the basement and attached garage) and one roofed and fully enclosed accessory structure located on the site.

Staff finding: Positive. This home occupation will be limited to the dwelling unit.

19.079 Parking

Parking facilities required by this ordinance have been provided and shall not alter the residential character of the lot.

Staff finding: Positive. The addition of two off-street parking spaces should not negatively affect the residential character of the property.

19.0710 Alteration of Structure

No residential structure shall be altered or added to in such a manner that the alteration would conflict with the residential nature of the structure were no home occupation in use.

Staff finding: Positive. The existing residential character and exterior of the structure will not be altered for this conditional use.

19.0711 No Products or Processing

Except for the creation and production of arts and crafts there shall be no good, samples, materials or objects sold, stored, displayed, manufactured or processed on the premises in connection with the operation, however, this article shall not prohibit dressmaking or tailoring wherein goods are not manufactured or processed as stock for sale or distribution, nor shall it prohibit the production and incidental sale of arts and crafts which have been created by the occupant of the premises.

Staff finding: N/A.

19.0712

No electrical or mechanical equipment or processes that would change the fire rating of the dwelling unit shall be permitted. No home occupation may cause odor, vibrations, fumes, or glare which is beyond the scope of odors, vibration, fumes, or glare which could result from typical behaviors in a residential setting. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.

Staff finding: N/A.

12.01 MINIMUM OFF-STREET PARKING REQUIREMENTS

In all districts there shall be provided adequate off-street parking areas in accordance with the requirements of this article whenever there is an addition or enlargement of an existing building, change of use or number of employees, or increase in floor area or development of any new structure.

12.012 In SC, CB or SH zones adequate parking may be provided by the business or residence, or may be commercial, public or on street parking along the site. Provision of parking is not required in individual business in the SH or CB zones. Parking for residences may be ½ that required in other districts. All parking spaces, including driveways, within the SC, CB, or SH that is located off-street is highly recommended to be constructed from pavers, rather than solid concrete or asphalt, in order to assist in reducing the total impervious surface of the site.

| LAND USE | PARKING SPACES REQUIRED | PER UNIT |
|----------------------------|-------------------------|--------------------------------|
| Single Dwelling Unit | 2 | Dwelling Unit |
| Other Professional Offices | 3 | 1,000 sq. ft. gross floor area |

Staff finding: Positive and Negative. The proposed use requires a total of four (4) parking spaces. Two spaces can be located along the site of the property at Steele Street. The applicant has attached a site plan with their proposed parking. However, this is unattainable due to the size and configuration of the lot. Staff has submitted a recommended parking layout attached near the end of this report. Staff recommends that the parking spaces be composed of either pavers, crushed gravel, pea gravel or a mixture of these.

17.10.9 SITE FEATURES

Private site elements include driveways, walkways, garages and out-buildings, lighting, fences, walls, benches, terraces, signs, fountains, berms, drainage ditches, trees, plantings and archaeological features. The relationship between historic buildings and the site features within a property's boundary helps define the historic character and shall be considered an important part of any project.

- C. Ground surface materials, such as paving, ground cover planting, terraces, etc., shall be compatible with the existing and adjacent sites, existing site conditions and the character of the building. Use of materials compatible with the existing public sidewalks is encouraged. The use of ground surfaces that vary significantly from the surrounding conditions, that do not fit the site configuration, or that detract from the character of the building are discouraged. For example, front yards which have an extensive mixture of paving materials and walks with little grass or ground cover shall be avoided, especially where the surrounding sites have large areas of grass or ground cover and few paved areas. Hard surfaced paving such as walks should not conflict in character with adjacent sidewalk materials.

Staff finding: Positive and Negative. While some green space will be lost in the rear yard, the use of pavers, crushed gravel, pea gravel or a mixture of these instead of a fully paved parking area will lessen the impact of the required parking area.

Recommendations

Based on the findings within this report, staff recommends **APPROVAL** of the applicant's request for a Conditional Use Permit **with the following conditions**.

1. The conditional use applies only for Dominique L. Wilson within the principal structure on the first floor only.
2. The conditional use is permitted only at 522 Steele Street.
3. The conditional use is granted only to Dominique L. Wilson.
4. The conditional use is not transferable and any change in ownership or use will make this approval null and void.
5. That any signage comply with the requirements of Section 4.416.A of the zoning ordinance and a sign permit shall be issued before any sign can be installed.
6. The applicant shall obtain a City of Frankfort Business License.
7. Clients shall not be permitted at the site between the hours of 9:00 PM to 7:00 AM.
8. Group therapy sessions shall be limited to four (4) persons or less at any given time.
9. The second floor of the structure shall not be utilized as a part of this conditional use and shall be for residential use of the owner only.
10. A building permit for a change of use shall be applied for and issued by the Planning Department, along with a Certificate of Occupancy, before this conditional use can operate at this location.
11. A building permit for the parking area shall be applied for and issued by the Planning Department.
12. The parking area shall adhere to Staff's recommended parking layout and be composed of pavers, pea gravel, crushed gravel, or a mixture of these materials.
13. No other exterior changes including but not limited to windows, roofing, gutters, chimneys, exterior doors, and/or accessory structures are to occur as a part of this conditional use unless a building permit and a Certificate of Appropriateness have been issued.
14. No other employees other than the applicant/property owner are permitted as a part of this conditional use.
15. The property shall remain in compliance with the City of Frankfort's Property Nuisance Code.
16. Any violation(s) to these conditions will make this conditional use permit null and void.



0 30 60 Feet



0 12.5 25 Feet











7/3/2020

Jordan Miller, Senior Planner
Planning & Community Development
Frankfort Kentucky

Dear Mr. Miller:

I am submitting this Condition Use Permit application due to my desire to expand my outpatient behavioral health and substance abuse facility in Lexington to Frankfort. I started New Life Counseling Services in Lexington, Kentucky in April 2013 due to my desire to provide quality and caring counseling services to those who were in need of mental health and substance abuse treatment. My desire was to provide affordable outpatient counseling services to those of our community due to my previous experience of working with low income and at-risk clients and discovering there were not many options available for counseling services for these populations.

The current treatment populations we provide services to involve various treatment concerns, i.e. anxiety, depression, behavioral, and mood disorders, and we have a DUI program in order to provide 1st and subsequent DUI offenders with court-ordered classes and outpatient treatment. We accept Medicaid, Medicare, most commercial insurances, and offer sliding scale fee. We believe that everyone should be able to qualify for quality and caring counseling services and have an excellent reputation in our community for doing so. We work with all ages, genders, ethnicities, religions, and believes in treating all our clients with respect and dignity in all phases of their treatment. Our mission is to be one of the premier providers of behavioral health counseling and substance abuse prevention, intervention, and treatment services in the state of Kentucky.

Our services include providing outpatient counseling services that typically run between 45-60 minutes in duration, case management services, referral services, and case coordination with community contacts. We providing 20 hour DUI Education classes that consists of six 3-hour sessions and one 2-hour sessions (classes are conducted based on client need) and we providing individual outpatient on a 52- week basis for 2nd and subsequent DUI offenders. We do not provide MAT (medication assistance treatment) or other forms of treatment that are used to wean

clients off of substances. Our treatment population is 90% behavioral health and around 10% substance abuse and a majority of our clients are voluntarily (sought treatment on their own accord).

Due to the pandemic, at our Lexington office, we are providing our services via telehealth and plan to continue doing so until it is safe for my staff and clients to return an office setting. We are looking at making this a permanent option due to how well our clients have adjusted to this and are desiring to use the property at 522 Steele Street as our main office location for the business. The house at 522 Steele Street is 2208 square feet and on the first has an open foyer, a living, a main room that will be an office, a full bathroom, a kitchen, and utility room. The second floor of the house has four bedrooms that can be used as office space and a full bathroom.

I am hopeful that our approval for a condition use permit will be considered as we would love to become a beneficial resource in Franklin county for the citizens that are in need of outpatient counseling services. Please advise me if more is needed for this application or if you have any questions.

Thank you for your consideration of this matter.

Sincerely,


Dr. Dominique L. Wilson, LPCC-S, MAC

Owner of New Life Counseling Services

389 Waller Avenue, Ste. 200 & 220

Lexington, KY 40504

859-309-2384- Office Phone

859-406-1066 Office fax

859-428-7262 Business Cell

www.counselingky-newlife.com

Sq. ft. A.C. %
(% of total site area)

SITE DATA

Total site area
Zoning
Future Land Use
PCN
Proposed/Existing use

OPEN SPACE

Total open space
Required
Provided
Other open space
Preserve area
Wetland
Upland

IMPERVIOUS AREA

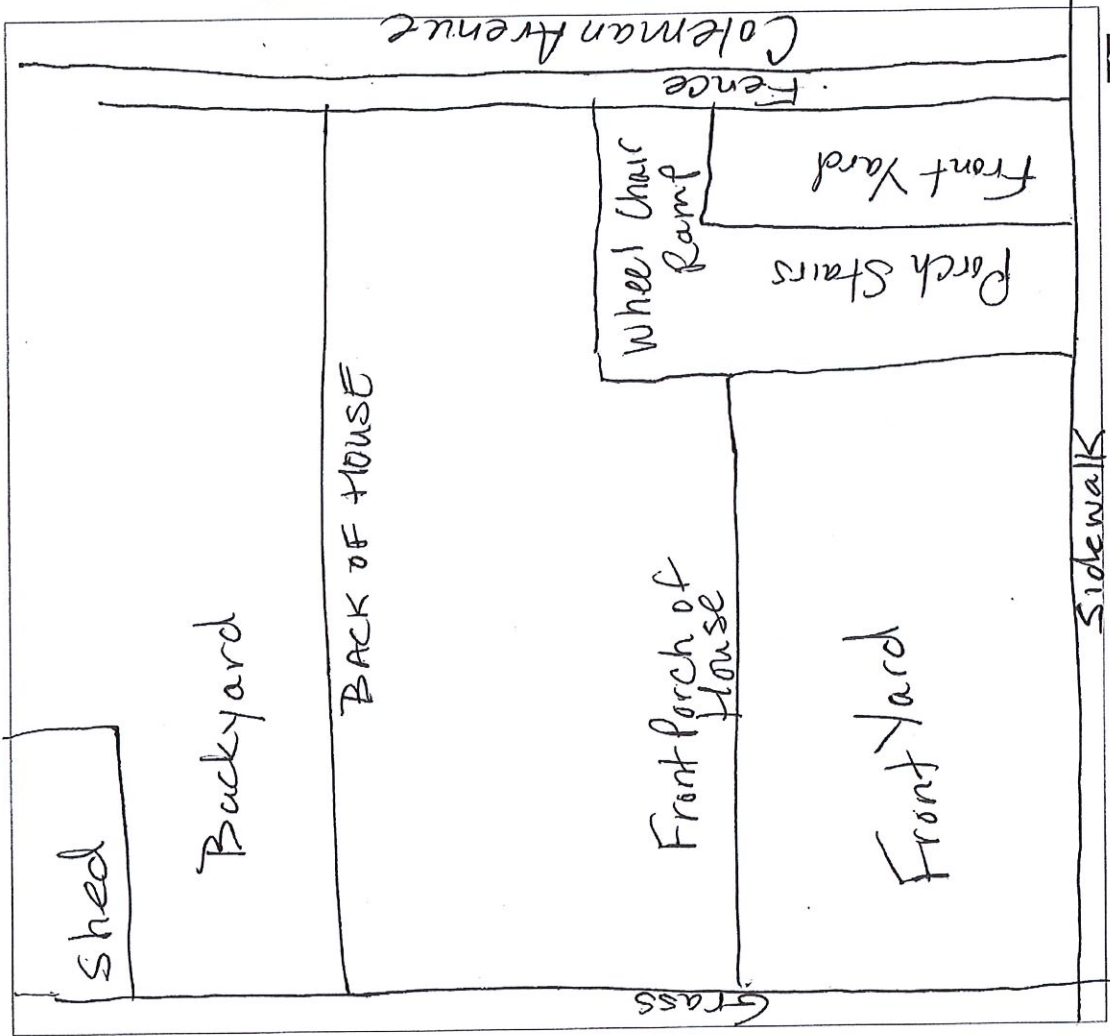
Total developed area
Building
Pavement, Roads
Sidewalks, Pads, etc
Surface water

BUILDING DATA

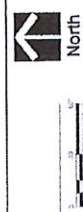
Total gross floor area
Building coverage/Density
Height (# stories)
Use 1
Use 2
(Density/Mixed use calculations)
(Break down uses by sq. ft.)

PARKING

(Demonstrate parking calculations by uses)
Provided
Required
(If Parking Adjustment required, include calculations and percent increase or reduction)



| | |
|-----------|--|
| Com/Post | |
| Appl/Post | |
| Permit | |
| Res/Post | |
| Land Use | |
| Proposed | |

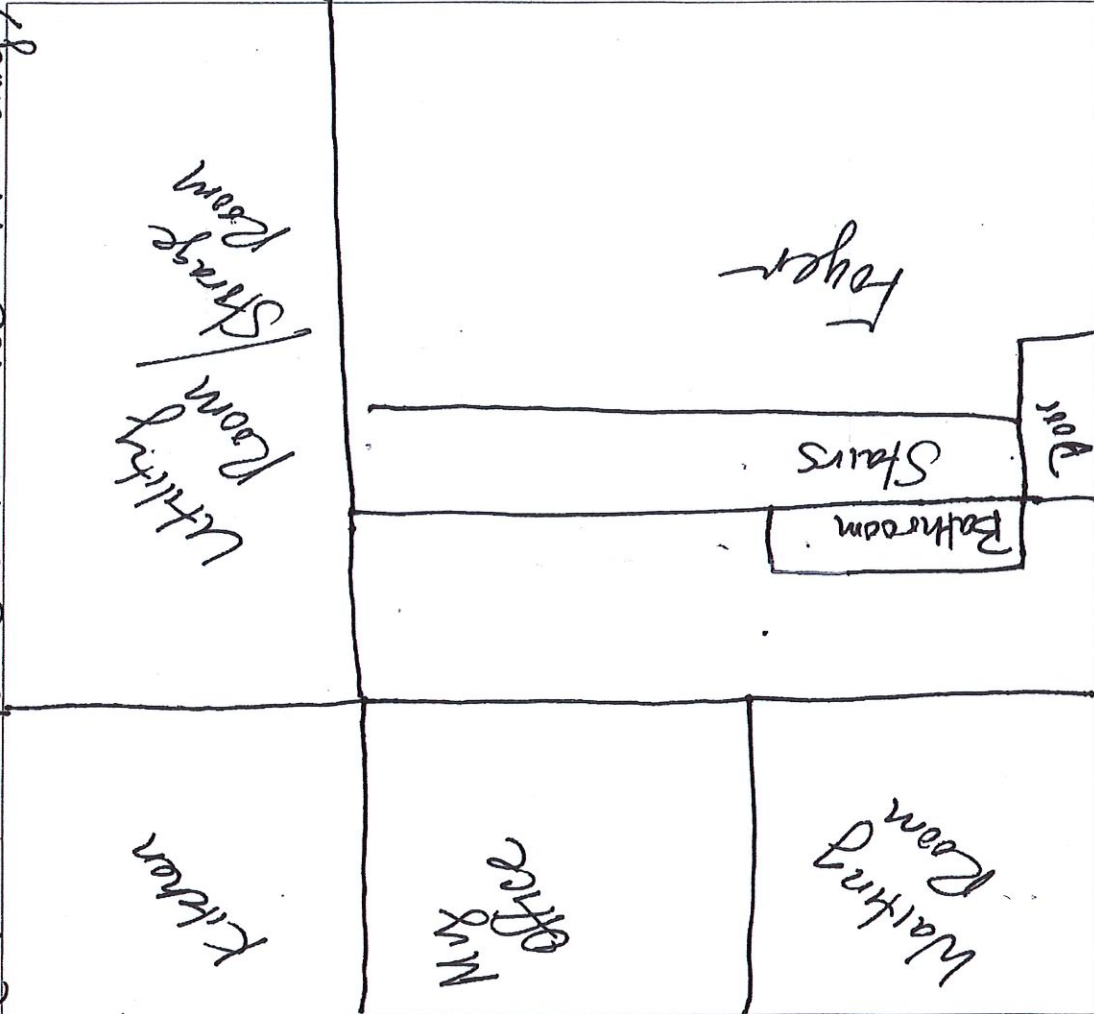


Final Site Plan

522 Stede Street

(Site Plan for Solo Practice - Using bottom floor only)

| Sq. ft. | AC. | % |
|--|-----|---|
| (% of total site area) | | |
| SITE DATA | | |
| Total site area | | |
| Zoning | | |
| Future Land Use | | |
| PCN | | |
| Proposed/Existing use | | |
| OPEN SPACE | | |
| Total open space | | |
| Required | | |
| Provided | | |
| Other open space | | |
| Preserve area | | |
| Wetland | | |
| Upland | | |
| IMPERVIOUS AREA | | |
| Total developed area | | |
| Building | | |
| Pavement, Roads | | |
| Sidewalks, Pads, etc | | |
| Surface water | | |
| BUILDING DATA | | |
| Total gross floor area | | |
| Building coverage/Density | | |
| Height (# stories) | | |
| Use 1 | | |
| Use 2 | | |
| [Density/Mixed use calculations] | | |
| [Break down uses by sq. ft.] | | |
| PARKING | | |
| [Demonstrate parking calculations by uses] | | |
| Provided | | |
| Required | | |
| [If Parking Adjustment required, include calculations and percent increase or reduction] | | |



| | |
|-----------------|--|
| City/County | |
| Project Name | |
| Owner | |
| Project Manager | |
| Version | |
| Revision | |

SITE DATA

Sq. Ft. A.C. %
(% of total site area)

Total site area
Zoning
Future Land Use
RCN
Proposed/Existing use

OPEN SPACE

Total open space
Required
Provided
Other open space
Preserve area
Wetland
Upland

IMPERVIOUS AREA

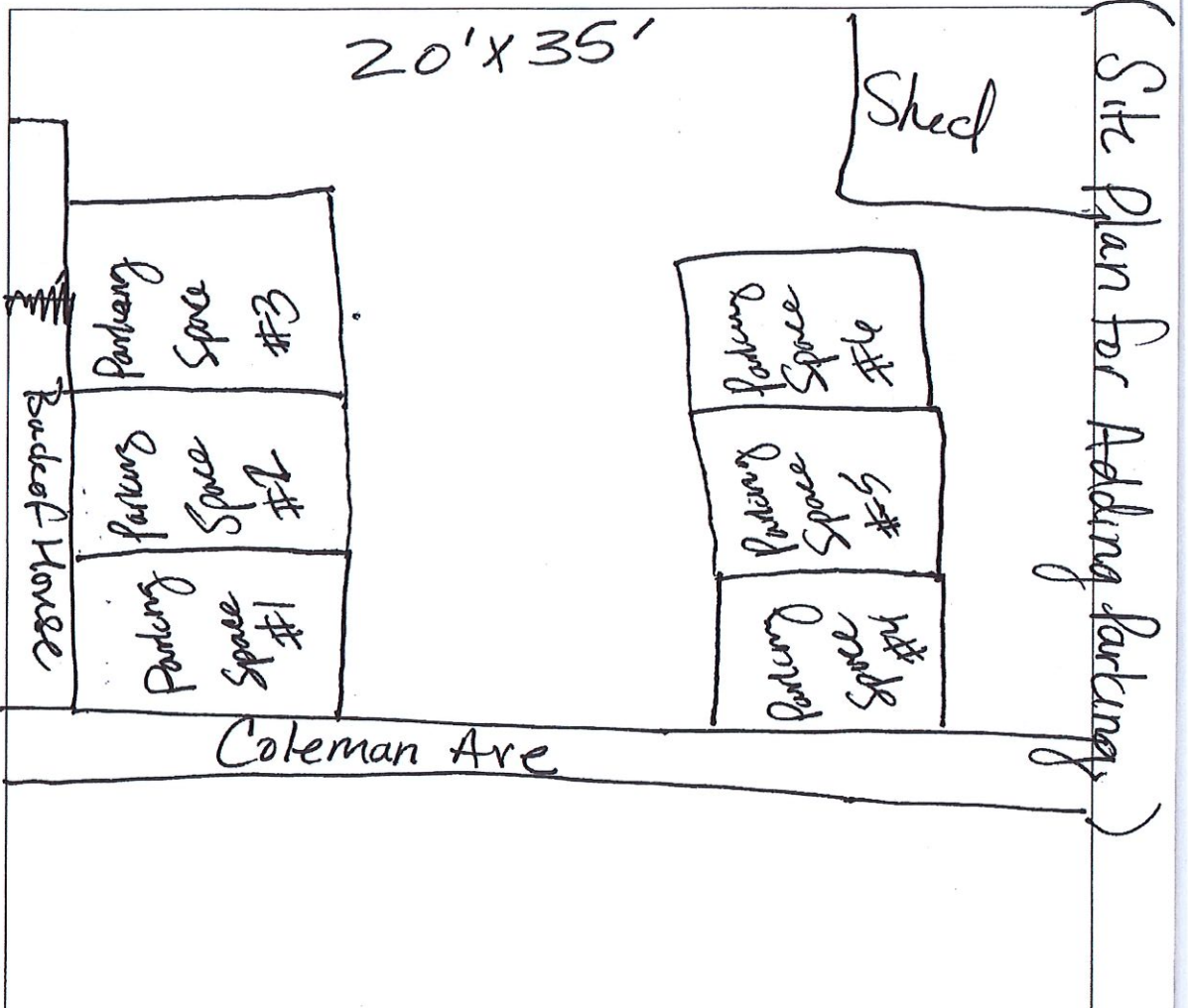
Total developed area
Building
Pavement, Roads
Sidewalks, Pads, etc
Surface water

BUILDING DATA

Total gross floor area
Building coverage/Density
Height (# stories)
Use 1
Use 2
Density/Mixed use calculations
Break down uses by sq. ft.)

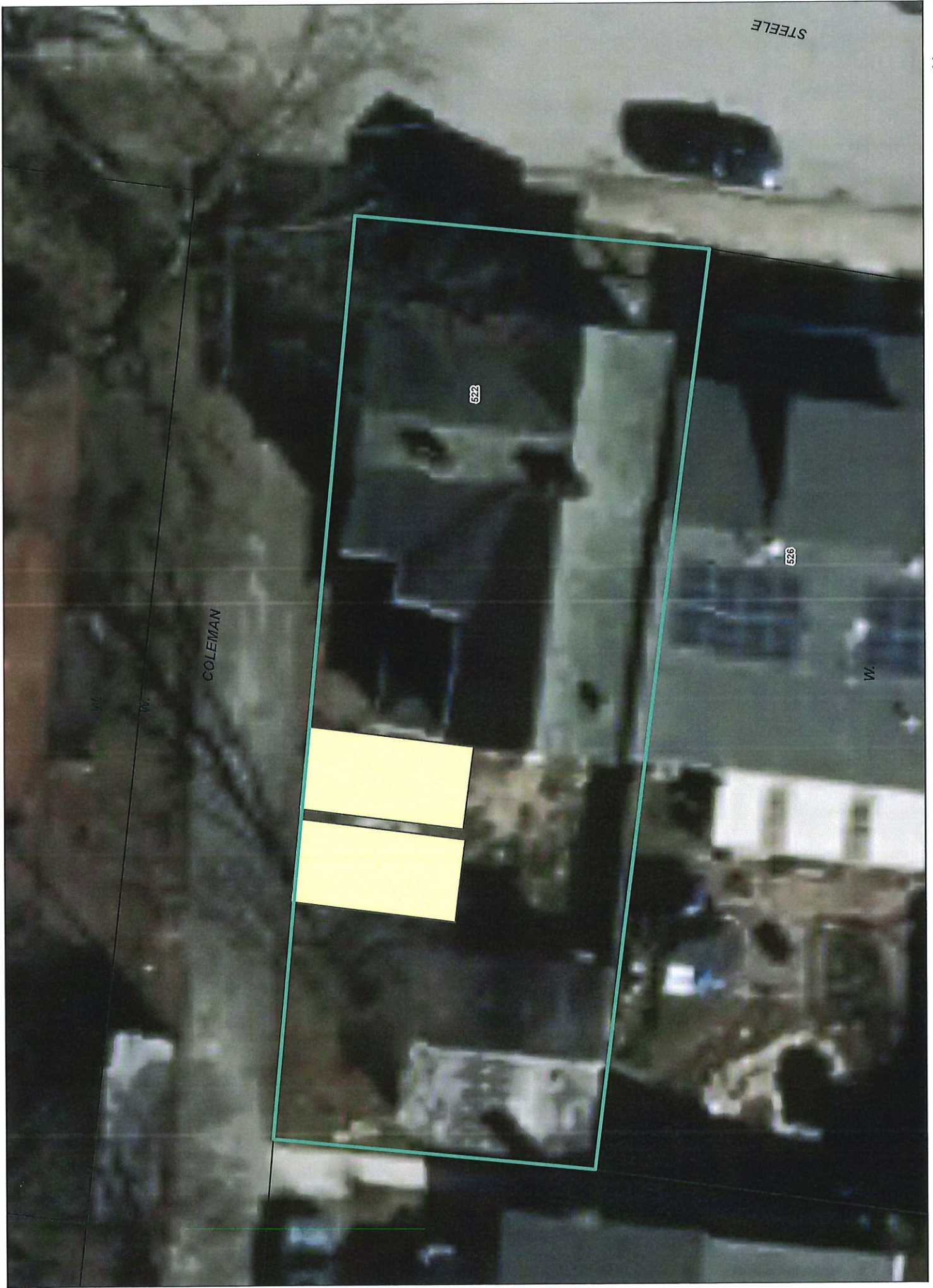
PARKING

Demonstrate parking calculations by uses
Provided
Required
If parking adjustment required, include calculations and percent increase or reduction



| Component | |
|--------------|--|
| Report | |
| Design | |
| Construction | |
| Operations | |
| Maintenance | |

Final Site Plan



Staff's Recommended Parking Layout



KENTUCKY INDIVIDUAL BUILDING SURVEY FORM

(KHC 2011-1)


COUNTY Franklin

RESOURCE # FRSF-450

EVALUATION N: Eligible as part of group

SHPO EVALUATION _____

DESTROYED _____

| | |
|--|---|
| 1. NAME OF RESOURCE (how determined): 0 / Unknown/not applicable | 17. PLAN: First: N / T-plan Second: _____ |
| 2. ADDRESS/LOCATION: 522 Steele Street Frankfort, KY | 18. STYLISTIC INFLUENCE: First: 4:V: Vernacular Victorian Second: 6:5: Bungalow/Craftsman |
| 3. UTM REFERENCE: Quad Name: Frankfort West Date: 1997 Zone: 16 Method: G / GPS Unit Easting: 685803 Northing: 4229049 | 19. FOUNDATION: Type: 2 / Continuous Material: S / Stone |
| 4. OWNER/ADDRESS: Doris H. Thurman Estate 522 Steele Street Frankfort, KY Parcel # 062-14-01-008.00 | 20. PRIMARY WALL MATERIAL: Original: I / Weatherboard Replacement: V / Aluminum |
| 5. FIELD RECORDER/AFFILIATION: Janie-Rice Brother, KY Archaeological Survey | 21. ROOF CONFIGURATION AND COVERING: Configuration: A / Gable, side Covering: 5 / Asphalt shingle |
| 6. DATE RECORDED: November 2012 | 22. CONDITION: F / Fair-under maintained |
| 7. SPONSOR: City of Frankfort | 23. MODIFICATION: 2 / Moderate alteration |
| 8. INITIATION: 2 / CLG | 24. ARCHITECT/BUILDER: |
| 9. OTHER DOCUMENTATION: <input checked="" type="checkbox"/> Survey <input type="checkbox"/> HABS/HAER <input type="checkbox"/> KY Land <input type="checkbox"/> Local Land <input type="checkbox"/> NHL <input type="checkbox"/> NR | 25. PHOTOGRAPH FILE: FRSF-450_001-006 |
| 10. REPORT/NR REFERENCE: South Frankfort Phase IV Survey | 26. WINDOWS: <input checked="" type="checkbox"/> Original <input type="checkbox"/> Replacement Type: Wood Sash Sash Configuration: 1/1 |
| 11. ORIGINAL PRIMARY FUNCTION: 01: Residential - A: Single Dwelling | 27. OUTBUILDINGS: No Number and type: |
| 12. CURRENT PRIMARY FUNCTION: 01: Residential - A: Single Dwelling |  |
| 13. CONSTRUCTION DATE: Estimated 4: 1900-1924 Documented: | |
| 14. DATE OF MAJOR ADDITIONS/MODIFICATIONS (specify): 1: 1975-2000 Alum. siding | |
| 15. CONSTRUCTION METHOD AND MATERIAL: Original/Primary: W2 / Balloon frame Subsequent/Secondary: _____ | COMMENTS/HISTORICAL INFORMATION: This 2-story frame T-plan rests on a stone foundation. The 2-bay wide façade has a window/door fenestration pattern; the 1 st floor window on the façade is the most striking feature remaining on the dwelling, with diamond shaped tracery in the upper sash. The other stylistic characteristic is the hipped roof porch with 4 Tuscan columns. The other windows are wood, 1/1 double-hung sash. Two interior brick chimneys pierce the side gable asphalt shingle roof. In the 1914-1916 Frankfort City Directory, this was the home of Lula L. Herndon, the widow of T.D. Herndon. In 1926, Beulah Goins, a clerk at FW Woolworth, boarded here. |
| 16. DIMENSIONS: Height: C: 2 Story Width: 2 bays Depth: Acreage: | |

401 Murray Street

Special Capital Historic District

Southern Acquisitions LLC, Owner/Applicant

Request

In accordance with Articles 4 and 17 of the City of Frankfort Zoning Ordinance, Southern Acquisitions LLC is requesting a Certificate of Appropriateness to paint unpainted masonry for the property located at 401 Murray Street. The property is more particularly described as PVA Map Number 062-31-26-015.00.

Description of Proposal

The subject property is located at the southeastern corner of Murray Street and East Fourth Street. It features a three-story brick veneer structure with a concrete block foundation that was constructed in 1975. The applicant has recently acquired the property and would like to paint the currently unpainted masonry. The applicant will also be remodeling the interior of all the apartments and cleaning up the exterior of the property.

Significance of Structure

The property is non-contributing to the South Frankfort National Historic District.

City of Frankfort Zoning Regulations

17.10.1 MASONRY

17.10.1 MASONRY

H. Sealants, such as water repellent coatings, shall not be used unless there is actual water penetration through the masonry units themselves, and the problem is not caused by faulty or missing mortar, poorly functioning gutters and downspouts, or rising ground water. If water is penetrating through the masonry to interior surfaces, then only the affected area shall be treated, and only after the masonry has been allowed to dry. Paint is more permanent and provides a good measure of waterproofing to masonry walls. Painting is recommended for building in the Special Capital Business zone district that have been previously painted.

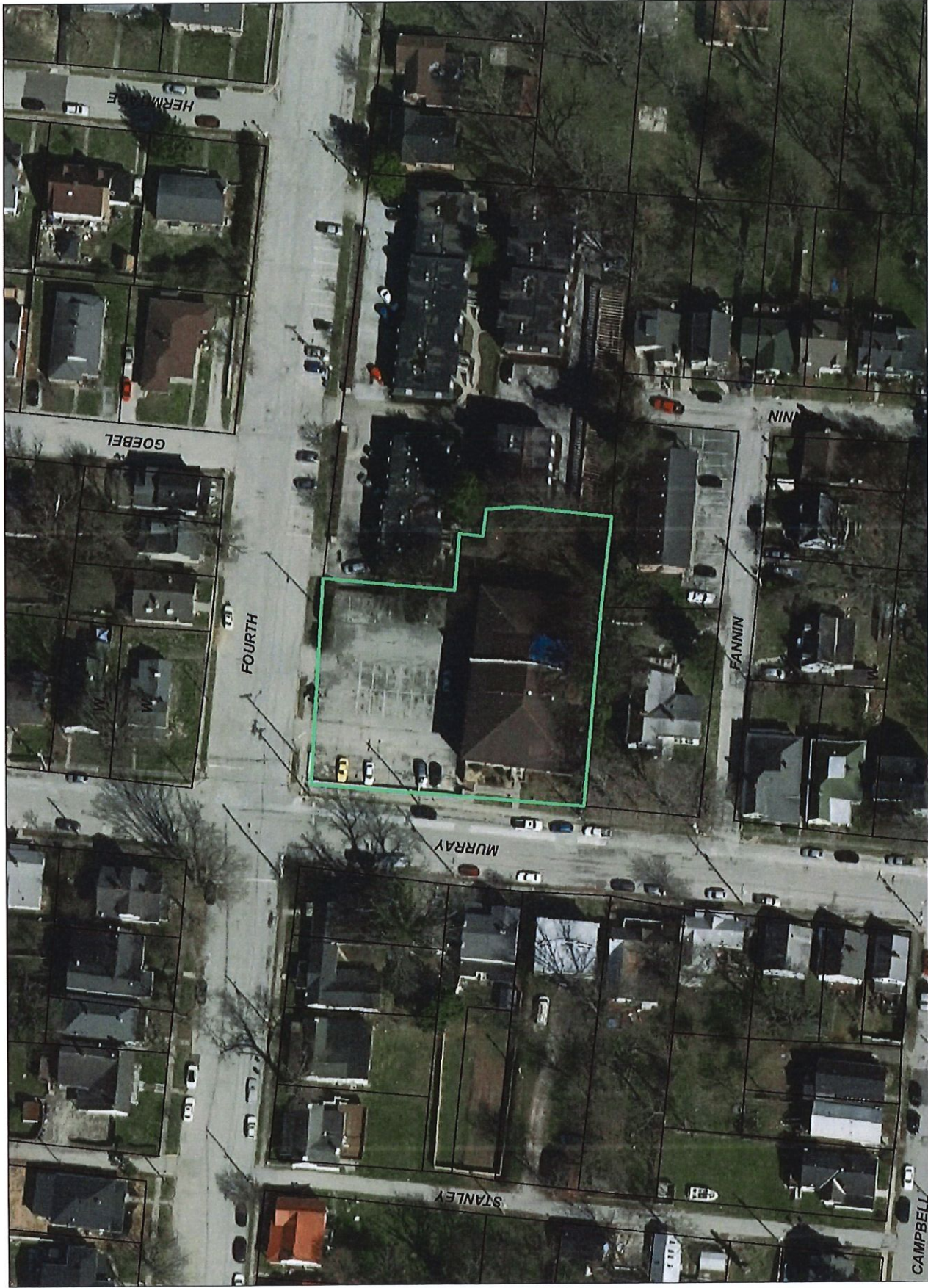
Staff finding: Positive. The structure is less than 50 years old and is not contributing to the district. The existing masonry is a brick veneer with no particularly outstanding historic quality. The painting of the brick should not detract from the historic integrity of the district nor the structural quality of the building and exterior.

Recommendation

Staff recommends approval of the Certificate of Appropriateness with the following conditions.

1. A building permit shall be obtained prior to work commencing on the proposed project.
2. Any additional projects requiring a building permit or modifications to this proposal shall require review and approval by the Architectural Review Board unless a Certificate of No Exterior Effect is issued.
3. A high-quality paint such as acrylic latex exterior paint shall be used.
4. The brick shall be cleaned using the gentlest means possible before it is painted.





0 75 150 Feet